

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant

-against-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

STEVEN ANDELMAN,

Defendant.

Adv. Pro. No. 10-4884 (SMB)

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-against-

SUSAN ANDELMAN,

Defendant.

Adv. Pro. No. 10-4916 (SMB)

### **DISCOVERY ARBITRATOR'S ORDER**

Having conferred with counsel for the Trustee and for the Andelmans on February 23, 2017, it is hereby ORDERED that:

1. The Trustee's renewed request that the Trustee's Requests for Admission be deemed admitted is denied.
2. Clarifications B and C in the "General Objections and Clarification" section of the Andelmans' Amended Responses to the Trustee's Requests for Admissions are stricken and may not be reasserted in any subsequent Response.
3. By the close of business today, the Andelmans' counsel shall email to the Trustee the Andelmans' documents responsive to the Trustee's First Set of Requests for Documents.
4. By March 6, 2017, the Andelmans shall:
  - a. file their Second Amended Responses to the Trustee's Requests for Admission. The Andelmans' responses shall, at a minimum, be based upon their review of the Core Account Documents previously furnished to them and their counsel by the Trustee.
  - b. provide the Trustee with dates during the month of March 2017 when the Andelmans are available to be deposed. If no such dates are

available, the Andelmans shall explain, in writing, why and identify the earliest possible dates that they can be deposed.

- c. provide the Trustee with a copy on CD-ROM of the documents responsive to the Trustee's First Set of Requests for Documents.
- d. either represent in a cover letter from counsel that no documents responsive to the Trustee's First Set of Requests for Documents have been withheld on privilege or other grounds or provide the written response to the Trustee's document request required by Bankruptcy Rule 7034 and Rule 34(b)(2) of the Federal Rules of Civil Procedure.
- e. endeavor to enter into the following stipulation, which is based upon the language employed in at least one other adversary proceeding:

In connection with any motion practice, trial, or appeal, the Andelmans: (a) will not challenge the accuracy or completeness of the deposit and withdrawal-related information set forth in columns 1 through 5 of Exhibit B to the Trustee's complaint; (b) concede that the funds reflected in Column 5 of Exhibit B were withdrawn from the Andelmans' BLMIS accounts and received by the account holder; and (c) shall withdraw any affirmative defenses inconsistent with this stipulation.

SO ORDERED.

Dated: New York, New York  
February 23, 2017



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FRANK MAAS  
Discovery Arbitrator

Copies to Counsel of Record via ECF